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**UNITED STATES DISTRICT COURT
for the
DISTRICT OF WYOMING**

HEALTHTECH MANAGEMENT SERVICES, INC.,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 1:12-cv-00042F
)	
PAUL CARDWELL,)	
)	
Defendant.)	
)	
POWELL VALLEY HEALTH CARE, INC., a Wyoming)	
non-profit corporation,)	
)	
Cross Claimant,)	
)	
vs.)	
)	
HEALTHTECH MANAGEMENT SERVICES, INC.;)	
PAUL CARDWELL and MICHAEL J. PLAKE,)	
)	
Cross Defendants.)	

**VERIFIED SUPPLEMENTAL MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL FOR PAUL CARDWELL**

Come now attorneys, Robert W. York (“York”), admitted as *Pro Hac Vice*, and Robert W. Horn (“Horn”), having heretofore entered their appearances for Defendant, Paul Cardwell (“Cardwell”), and supplement their previous Motion to Withdraw as counsel for Cardwell as follows:

1. York and Horn previously moved the Court to permit their withdrawal as counsel for Defendant Paul Cardwell, which motion the Court denied, at least in part, because Cardwell had not consented to said withdrawal. Attached hereto as **Exhibit A**, is the engagement letter, dated January 27, 2012 and signed by Paul Cardwell on January 28, 2012, by which Cardwell engaged the services of said counsel in this cause.

2. As provided in Exhibit A, Cardwell agreed in advance to the withdrawal of said counsel in the event that he failed to honor the terms of the engagement letter.

Specifically the agreement provides:

We reserve the right to withdraw from your representation if, among other things, you fail to honor the terms of this engagement letter, you fail to cooperate or follow our advice on a material matter, or any fact or circumstances would, in our view, render our continuing representation unlawful or unethical. If we elect to withdraw from your representation, you agree to take all steps necessary to free us of any obligation to perform further, including the execution of any documents reasonably necessary to complete our withdrawal, and we will be entitled to be paid for all services rendered and costs and expenses incurred on your behalf through the date of withdrawal.

3. In case number 12-CR-81-F (the "Criminal Case"), also pending in this Court, the United States of America has charged Cardwell and Plake with fifteen (15) criminal counts based upon allegations paralleling those asserted in this case.

4. As shown by the record in the Criminal Case, Cardwell appears to a be fugitive from justice.

5. The last time that Cardwell was ever personally seen by said counsel was when York met with him on July 18, 2012 to discuss potential terms of a plea agreement in the Criminal Case.

6. The last time said counsel had a telephone conversation with Cardwell was on August 23, 2012 when Cardwell called York complaining that he had such a

personal medical condition that he could not travel to Wyoming to participate in a Change of Plea hearing in the Criminal Case.

7. The last time that said counsel had any communication with Cardwell by electronic mail was on August 28, 2012 when Cardwell emailed York that he had signed the plea agreement proposed by the United States Attorney in the Criminal Case.

8. Neither York nor Horn know Cardwell personally and the only prior relationship between them was when, in 2009, Cardwell's then employer, White County Memorial Hospital, Monticello, Indiana, and its insurer, retained the legal services of York to represent Cardwell regarding a claim that Cardwell had wrongfully discharged a physician from employment with that hospital.

9. As of the filing of this supplemental motion to withdraw, none of Cardwell's attorneys have received any communication from him regarding the arrest warrant issued in the Criminal Case, none of his attorneys know his current whereabouts nor a telephone number where he may be reached and Cardwell has not communicated with any of his counsel by phone,

10. As of the filing of this motion to withdraw, Cardwell has not complied with the engagement agreement with his counsel in that he has not paid the agreed to attorneys' fees and has not followed the advice of his said counsel as to material matters pertaining to this cause.

11. A Word version of the original Motion to Withdraw was sent be electronic mail to Cardwell along with the admonition that: **he is personally responsible for complying with all orders of the Court and time limitations of the Local Rules and Federal Rules of Civil Procedure.** But, York and Horn have no way of guaranteeing

that Cardwell has received the motion or that he will respond, by among other things, providing his true current address and telephone number.

12. Unless and until Cardwell communicates with his said counsel to provide direction in the course of his defense under this cause, York and Horn will have no authority to proceed with respect to any matter or issue herein and will have to respond to each such matter accordingly. Such procedure will not aid the resolution of this cause and in fact will serve instead to delay it.

13. York and Horn believe the allegations hereinabove set forth establish good cause for the Court to grant them leave to withdraw from their representation of Cardwell in this matter and request that the Court grant them that leave.

Wherefore, attorneys, Robert W. York and Robert W. Horn, move the Court to grant them leave to withdraw as counsel for Paul Cardwell and for all other just and proper relief.

I affirm, under the penalties that the above representations are true.

Respectfully submitted,

Attorneys for Paul Cardwell

/s/ Robert W. York

Robert W. York, admitted *Pro Hac Vice*
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CERTIFICATE OF SERVICE

I hereby certify that on November_____, 2012, a copy of the foregoing Supplemental Motion to Withdraw was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's CM/ECF system.

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/s/ Robert W. Horn
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